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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/833,635	04/13/2001	Anupriya Ramraj	10013684-1	3075

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EXAMINER
BROWN, JAMES LEE

ART UNIT	PAPER NUMBER
2144	

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/833,635	RAMRAJ ET AL.
	Examiner	Art Unit
	James Brown	2144

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>07/30/2001</u>.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-22* is/are pending in the application.
     4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-22* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on *13 April 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
     a)☐ All   b)☐ Some * c)☐ None of:
        1.☐ Certified copies of the priority documents have been received.
        2.☐ Certified copies of the priority documents have been received in Application No. _____.
        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
          application from the International Bureau (PCT Rule 17.2(a)).
     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
     Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

1.   This application has been examined.

2.   Paper 5, Transmittal Letter for Submittal of Missing Parts, received 07/30/2001,

has been entered into record.

3.   Claims 1-22 are pending.

Priority

4.   No claim for priority has been made in this application.

5.   The effective filing date for the subject matter defined in the pending claims in

this application is 04/13/2001.

Drawings

6.   The Examiner contends that the drawings submitted on 04/13/2001 are

acceptable for examination proceedings.

Claim Rejections - 35 USC § 102

7.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed
> publication in this or a foreign country, before the invention thereof by the applicant for a patent.

8.   Claims 1-3, 5, 7-9, 11-14, 16, 18-20 and 22 rejected under 35 U.S.C. 102(a) as

being anticipated by Pogue et al. (U.S. Patent Number 6,112,240), hereinafter referred

to as Pogue.

9.   Pogue discloses a system, method, and apparatus for monitoring a transaction

executing on a network comprising:

10.   In regards to claims 1 and 12,

> *(a) a read unit accessing a web page from a web server, wherein the web*
>
> *page includes at least one block of processing code for executing a*
>
> *transaction;* (Browser request a web page that contains a tracker tag code
>
> from a web server. Pogue Col. 2 lines 12-22)

> *(b) an update unit updating the web page by inserting instructions in the*
>
> *web page, wherein said instructions comprise a function for monitoring the*
>
> *transaction;* (Tracker tag may be added to HTML code manually or by
>
> automated means. Pogue Col. 4 lines 21-29)

> *(c) and a storage unit storing the updated web page on the web server.*
>
> (Web server contains a hard disk for storing updated web pages. Pogue
>
> Col. 3 lines 31-40)

11.   In regards to claims 2 and 13,

> *inserted instructions comprise a call instruction linking the at least one*
>
> *block of code to one or more files comprising monitoring instructions.*

(Tracker tag creates a tracker message that may include a "call" to

tracking computer 308 to execute the tracker Pogue Col. 4 lines 30-37)

12.   In regards to claims 3 and 14,

the inserted instructions comprise a call instruction providing a data

communication link both within the web page and to a computer remote

from the web server. (Tracker tag in web page directs tracker message

call to remote tracker web server, thus forming a link between the web

page and the remote tracker web server. Pogue Col. 4 lines 62-67)

13.   In regards to claims 5 and 16,

(a) a first transmission unit sending a web page from a web server to a

client browser within a network; (Browser request a web page that

contains a tracker tag code from a web server. In response to the browser

request, the web server will transmit a web page to the client. Pogue Col.

2 lines 12-22)

(b) a processor executing an applet within the web page on the client

browser, wherein the applet includes at least one link to a monitoring code

file; (Tracker tag may be a Java applet within a web page that executes

on a client browser that executes on a computer containing a processor

Pogue Col. 2 lines 38-42)

(c) a monitoring unit invoking the monitoring code file to monitor a

transaction within the applet on the client browser; (A Browser executes a

tracker tag that creates a tracker message directed to a tracking program

on a tracking computer. Pogue Col. 4 lines 29-38)

(d) and a second transmission unit sending data generated from

monitoring the transaction to a measurement computer, wherein the

measurement computer is a computer other than the web server.

(Tracker message transmitted to tracker/measurement computer includes

client/transaction data for storage in a database on the

tracking/measurement computer. Pogue Col. 4 lines 34-43)

14.   In regards to claims 7 and 18,

the monitoring unit further captures data associated with the execution of

the transaction on the client browser.   (Applet on client (second

computer/transmission unit) collects/captures and transmits client

information to tracker 310 (third computer/measurement computer) for

storage in a database. Pogue Col. 7 lines 40-43)

15.   In regards to claims 8 and 19,

the monitored transaction data includes one or more data items selected

from a list consisting of transaction start and stop time, the time zone in

which the transaction is executed, and the operating system of the client

browser. (Records the type of computer accessing the web page (Pogue

Col. 5 lines 60-67) and calculates the time web page was displayed

(Pogue Col. 7 lines 35-37.)

16.   In regards to claims 9 and 20,

the monitored transaction data is stored and evaluated on the

measurement computer independently from the processing of the web

page on the client browser. (Client information/transaction data maybe

stored on tracking/measurement computer that is not the client. Pogue

Col. 4 lines 15-18)

17.   In regards to claims 11, and 22,

(a) a first transmission unit downloading transaction code from a first

computer to be processed on a second computer; (Browser on

client(second computer) requests a web page that contains a tracker tag

code from a web server(first computer) Pogue Col. 2 lines 12-22)

(b) a processor executing the downloaded transaction code on the

second computer; (Browser executes tracker tag and transmits tracker

message to tracking computer Pogue Col. 2 lines 38-42)

(c) a monitor unit capturing transaction execution data associated with the

executing transaction; (Execution of the applet gathers client

information/transaction execution data. Pogue Col. 7 lines 33-35)

(d) and a second transmission unit sending the transaction execution

data from the second computer to a third computer, wherein the first,

second, and third computers are remote from each other. (Applet on

client (second computer/transmission unit) transmits client information to

tracker 310 (third computer/measurement computer) for storage in a

database. Pogue Col. 7 lines 40-43)

In summary, Pogue anticipated the limitations disclosed in claims 1-3, 5, 7-9, 11-14, 16,

18-20, and 22 and thus the preceding claims are rejected under 35 USC 102(a).

Claim Rejections - 35 USC § 103

18.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

19.   Claims 4, 6, 10, 15, 17, and 21 are rejected under 35 U.S.C. §103(a) as being

unpatentable over Pogue in view of Davis et al. (U.S. Patent Number 5,796,952),

hereinafter referred to as Davis.

20.   In regards to claims 4 and 15, Pogue discloses:

> *(b) and a second update unit modifying a web server page tag of the*
>
> *transaction to be monitored to reference the monitoring instructions file.*
>
> (A web page retrieved from a web server has its "tag" modified by a
>
> unique random number to force a client browser to direct a tracker
>
> message to a tracker computer containing transaction monitoring
>
> instructions. Pogue Col. 6 lines 20-28)

21.   In regards to claims 10 and 21, Pogue discloses:

> *(b) a first transmission unit sending the web page from the web server to*
>
> *a client browser within a network;*   (Browser request a web page that
>
> contains a tracker tag code from a web server. In response to the browser
>
> request, the web server will transmit a web page to the client. Pogue Col.
>
> 2 lines 12-22)

> *(c) a processor executing the linked applet within the web page on the*
>
> *client browser;* (The linked applet executes within a web page on a client
>
> browser on a processor-based computer. Pogue Fig. 2 and 3 CPU 200)

> *(e) and a second transmission unit sending data from monitoring the*
>
> *transaction to a measurement computer, wherein the measurement*
>
> *computer is a computer other than the web server.* (Applet on client
>
> (second computer/transmission unit) collects/captures and transmits client
>
> information to tracker 310 (third computer/measurement computer) for
>
> storage in a database. Pogue Col. 7 lines 40-43)

22.   Pogue does not disclose expressly:

23.   In regards to claims 4 and 15,

> *(a) a second storage unit storing the monitoring instructions file on the*
> *web server;*

24.   In regards to claims 6 and 17,

> *the web page can contain one or more applets and each applet can*
>
> *contain one or more transactions to be monitored.*

25.   In regards to claims 10 and 21,

> *(a) an association unit linking an applet within a web page on a web server*
>
> *to at least one monitoring code file;*
>
> *(d) a monitoring unit invoking the monitoring code file to monitor a*
>
> *transaction within the linked applet on the client browser;*

26.   Davis discloses:

27.   In regards to claims 4 and 15,

       (a) a second storage unit storing the monitoring instructions file on the web server; (Tracking program may be transmitted from a server other than the originating web server. Davis Col. 4 lines 39-42)

28.   In regards to claims 6 and 17,

       the web page can contain one or more applets and each applet can contain one or more transactions to be monitored. (Tracking program embedded in web page can monitor various indicia/transactions. Davis Col. 4 lines 45-54)

29.   In regards to claims 10 and 21,

       (a) an association unit linking an applet within a web page on a web server to at least one monitoring code file; (A JAVA applet embedded in a web page on a web server is linked to a tracking program on the server. Davis Col. 12 lines 13-16)

       (d) a monitoring unit invoking the monitoring code file to monitor a transaction within the linked applet on the client browser; (When a client browser renders a web page the linked applet retrieves the tracking program from a remote server and executes it. Davis Col. 12 lines 19-24)

30.   At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine to teachings of Pogue and Davis in order to improve

the tracking and utilization of resources related to a web site as suggested by Pogue.
(Col. 2 lines 7-9)

Conclusion

31.   Any inquiry concerning this communication or earlier communications from the
examiner should be directed to James Brown whose telephone number is 571-272-
3924. The examiner can normally be reached on M-F 8:00AM-5:30PM.

32.   If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, William Cuchlinski can be reached on 571-272-3925. The fax phone
number for the organization where this application or proceeding is assigned is 703-
872-9306.

33.   Information regarding the status of an application may be obtained from the
Patent Application Information Retrieval (PAIR) system. Status information for
published applications may be obtained from either Private PAIR or Public PAIR.
Status information for unpublished applications is available through Private PAIR only.
For more information about the PAIR system, see http://pair-direct.uspto.gov. Should
you have questions on access to the Private PAIR system, contact the Electronic
Business Center (EBC) at 866-217-9197 (toll-free).

James Brown
Examiner
Art Unit 2144

jb

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